Senate Committee on Environment & Public Works
Hearing entitled, *"Hearing on the Nominations of Michael Dourson, Matthew Leopold, David Ross, and William Wehrum to be Assistant Administrators of the Environmental Protection Agency, and Jeffery Baran to be a Member of the Nuclear Regulatory Commission."*
October, 4, 2017
Questions for the Record for Mr. Michael Dourson

Ranking Member Carper:

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt's, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.

    a. Do you agree that it is essential that in making decisions, EPA's OCSPP must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    b. Will you commit to restricting communications between OCSPP and the White House staff regarding specific matters under the authority of OCSPP?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    c. Will you commit to ensuring the staff of OCSPP is familiar with those restrictions?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

    d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to OCSPP staff, including you, occur?

    If confirmed, I commit to work with Administrator Pruitt and his team to ensure strict compliance with all legal and ethical obligations.

2. Recently, EPA conducted "anti-leaking" training for its employees.[1] According to EPA sources, the briefing stated that "Prohibitions we will discuss do not refer to "Whistleblowing". Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740." This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.

   5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

   a. If you are confirmed, will you commit to protect the rights of all career employees in OCSPP to make lawful disclosures, including their right to speak with Congress?

      If confirmed, I commit to protecting the rights of OCSPP employees and will follow the law.

   b. Will you commit to communicate employees' whistleblower rights via email to all OCSPP employees within a week of being sworn in?

      If confirmed, I commit to protecting the rights of OCSPP employees and

[1] [HYPERLINK "https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95"]

will follow the law.

3. Recently, EPA decided not to revoke all the remaining tolerances for chlorpyrifos as had been proposed by the Obama Administration.
    a. Do you believe that EPA should ever use epidemiological studies as a basis for the agency to conclude that it cannot make a determination that exposure to a substance can occur with a "reasonable certainty of no harm" under the Federal Food, Drug and Cosmetic Act (FFDCA)? If so, when? If not, please fully describe the reasons why not.

        Epidemiology studies are an important part of any risk assessment and should be evaluated routinely as part of any risk management decision. I believe there will be situations where the use of epidemiological data are~~is~~ appropriate. This will depend on the quality of the epidemiological data and the specifics of the determination it informs.

    b. One of the complicating factors surrounding the proposed Obama Administration's ban on the remaining uses of chlorpyrifos was the assertion made by some that there is uncertainty associated with the level of chlorpyrifos that causes an adverse health effect and debate about which biological endpoint should be used to define what an "adverse" health effect should be. If EPA cannot make a "reasonable certainty of no harm" finding under the FFDCA for a substance, how would you suggest EPA resolve such uncertainties in order to comply with both FFDCA and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)?

        Scientific approaches exist to help quantify and understand the impacts of uncertainty on a decision. I have published numerous scientific papers on this very topic, and have been one of many authors of EPA risk assessment guidelines in this area. If confirmed, I would use these approaches and would additionally seek further data and information to inform decision making.

4. EPA currently uses a 10-fold safety factor to account for the added risks mutagenic carcinogenic chemicals pose to vulnerable sub-populations. Will you commit to continue this approach? If not, please provide a specific explanation for when, why and how you would deviate from this approach.

    I am familiar with EPA's Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens (March, 2005). If confirmed, I commit to using the best available science, including these guidelines, in considering any regulatory actions that come to me for decision making.

5. EPA often uses a safety adjustment factor when it writes rules that protect people from exposure to chemicals. That factor accounts for the interspecies variability between the

effect of the chemical on an animal that is measured in laboratory tests and the predicted effect of the chemical on people.

a. If you are confirmed, will you commit to continue to support this approach?

Yes, when appropriate I will continue to use this approach.

b. If not, how would you propose to account for interspecies differences between a chemical's measured effect on an animal and its predicted effect on a human?

When sufficient data and understanding exists, physiologically based pharmacokinetic (PBPK) models can be used to inform the differences between animals and humans.

6. One argument that is often made to justify less protective chemical safety standards is to set an adverse effect end-point that is 'more adverse' than other end-points. For example, it would take higher exposure levels to a chemical for the chemical to actually cause cancer than it would for a biochemical marker that is a known precursor to cancer to be observed. Using cancer as the end-point in this scenario would allow for a less stringent safety standard for that chemical to be set.

a. Generally speaking, if there is an end-point that is a precursor or otherwise predictive of a serious illness or risk of acute toxicity, is there ever a scenario in which EPA should regulate to protect against the precursor end-point rather than the more serious one? If so, please describe such scenarios. If not, please fully explain why not.

~~There are scenarios where this is appropriate. It's use will depend on our understanding of the chemical's mechanism of action.~~ As indicated previously, I believe there may be scenarios where this type of approach would be appropriate **and have published scientific papers where such an approach was used**. If confirmed, I'm committed to working with the staff in OCSPP on these case-specific technical issues.

b. Additionally, if it is your view that safety standards should not seek to prevent effects that are known to be predictive of more serious ones, please explain your views on whether the FDA should continue to approve cholesterol-lowering medications or whether it should simply focus its efforts on ways to better treat heart attacks. If you believe that preventive medicine should continue to be developed and approved, why are your views different for chemical safety standards?

The appropriate use of safety factors is determined by available data and our understanding of a chemical's mode of action. I do not have an opinion on FDA actions.

7. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

    a) When EPA first submitted the proposed repeal rule to OMB, the draft stated that a the agency would undertake a new cost-benefit analysis as part of the second step of its process.

    b) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to i) reflect 2016 dollars instead of 2014 dollars, ii) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and iii) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.

    c) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re- submitting it to OMB, which they did.[2]

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written. If you are confirmed, do you commit to ensure that career staff in OCSPP will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

I support the appropriate use of both written and oral guidance and would endeavor to use each in appropriate circumstances.

8. Thank you for your response to my pre-hearing questions. I have some follow-up questions. In the spreadsheet you provided that listed sponsors, project description and project type information, there are several entities that seem incorrect. For each of these, please explain the apparent discrepancy, and if any of these entries are errors, please submit a corrected version of the spreadsheet in excel format:

    i. Several entries that list the American Chemistry Council as its sponsor

[2] [HYPERLINK "https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf"]
See Table 1

as "collaborative" rather than "private sector;"

This designation is correct. The overall project was a collaboration of several organizations.

ii. Listing an entry in which the California Chamber of Commerce is the sponsor as "non-profit" rather than "private sector;

The non-profit designation is correct (see: [HYPERLINK "https://www.calchamber.com/aboutus/Pages/default.aspx" \h]).

iii. Listing an entry in which the CEFIC is the sponsor as a "collaboration" rather than "private sector";

This designation is correct. The overall project was a collaboration of several organizations.

iv. Listing an entry in which Concurrent Technologies Corporation is the sponsor as "government" rather than "private sector";

This designation is correct. TERA was a subcontractor to CTC who was working for the government.

v. Listing an entry in which EPRI is the sponsor as a "collaboration" rather than "private sector";

This designation is correct. The overall project was a collaboration of several organizations.

vi. Listing an entry in which ICL-IP is the sponsor as a "collaboration" rather than "private sector";

This designation is correct. The overall project was a collaboration of several organizations.

vii. Listing an entry in which ILSI-NA is the sponsor as "non-profit" rather than "private sector";

This designation is correct. ILSI is a 501(c)(3) nonprofit organization.

viii. Listing an entry in which Lockheed Martin Corporation is the sponsor as "government" rather than "private sector";

This designation is correct. TERA was a subcontractor to Lockheed Martin

Corporation who was working for the government.

ix. Listing an entry in which McKenna, Long and Aldridge is the sponsor as "government" rather than "private sector";

Yes, this is a mistake. A corrected spreadsheet is attached. Thank you.

x. Listing an entry in which Silicones Environment Safety & Health Council is the sponsor as "non-profit" rather than "private sector";

Yes, this is a mistake. A corrected spreadsheet is attached. Thank you.

xi. Listing an entry in which Summit Technology is the sponsor as "government" rather than "private sector";

This designation is correct. TERA was working with Summit Toxicology and the National Library of Medicine on this task.

xii. Listing an entry in which ToxServices is the sponsor as "government" rather than "private sector";

This designation is correct. TERA was a subcontractor to ToxServices who was working for the government.

xiii. Listing an entry in which the Vinyl Acetate Council is the sponsor as a "collaboration" rather than "private sector"; and

This designation is correct. The overall project was a collaboration of several organizations.

xiv. Listing an entry in which Waste Management is the sponsor as a "collaboration" rather than "private sector".
This designation is correct. The overall project was a collaboration of several organizations.

b. Please identify the "multiple sponsors" listed for each entry on this spreadsheet and indicate the percentage of funding received from each sponsor.

Descriptions of all collaborative projects are a matter of public record, and can be found at websites associated with the Alliance for Risk Assessment (*ARA*) or Toxicology Excellence for Risk Assessment (TERA). I would be happy to direct your staff to the appropriate location if they have specific questions. Funding amounts are not specified, but sponsors who offer remuneration in excess of 2% of TERA income are designated at [HYPERLINK "http://www.tera.org/about/FundingSources.html" \h]

c. Please describe the criteria you used to designate an entity as a "non-profit," how you

defined "sponsor" and how you defined "project "type".

We generally use 501(c)(3) designations as nonprofits. "Sponsors" refer to any group that supports the mission of Toxicology Excellence for Risk Assessment (TERA) whether or not they also obtain a report or opinion. "Project type" generally refers to whether the remuneration is from a government or other nonprofit, or from a private entity.

d. In the "Summary of billed hours" table, there is no designation for government-sponsored work for TERA for 1995-2015. Could you provide a new table that includes this information?

~~**This is possible, but would take more time than permitted in answering these questions, since individual records for each year would have to be reviewed**~~**I no longer have ready access to this information, which otherwise would have been difficult to compile. However, approximately over 95% of the work in this designation was for government organizations.**

e. In the spreadsheet that includes this chart, you seem to have calculated the percentage of work done by sector by counting the number of projects you classified as falling under each sector and dividing by the total number of projects listed.

This is not correct. Rather, the percentage of work in the "Summary of billed hours" spreadsheet entitled "Question 2-TERA Yearly Funding 1995-2015" is based on the amount of time devoted to either nonprofit or profit areas by year. Time spent in the "collaborative" sector of the spreadsheet entitled "Question 3-Project Database January 2010 to June 2015" is evenly divided into profit and nonprofit times of the "Question 2" spreadsheet.

This does not reflect relative funding for projects in each sector, however. Please provide a detailed breakdown of the percentage of total funding received for projects included in each sector, using the corrected version of the table requested in c.

Summaries of funding amounts per sector were not developed. Rather time spent on various sectors were recorded as described above. This emphasis on time kept our focus, appropriately, on the work, not the remuneration.

Commented [BC1]: Did we need to revisit this response?

f. In the chart, the work on the Kids+Chemical Safety website is described as: "Develop a kids risk webpage, in part." The project is listed as a collaborative twice, once with the American Chemistry Council (ACC) as the sponsor and once with the Combined Federal Campaign (CFC) as the sponsor. Did the CFC hire or pay TERA to develop the website?

No.

If not, what was their specific sponsorship role?

Funding by CFC was through contributions from CFC to TERA, and TERA's decision to use this funding for the kids website.

If so, how long after ACC hired TERA to develop the website did CFC contribute?

Continuously.

What percentage of the costs of developing the website were paid for by the CFC?

Various funding amounts are not given per sponsoring groups.

Did the CFC itself fund the website, or was it donations through a CFC listing?

Donations were through a CFC listing.

If so, were these donations from the federal government?

Various funding amounts are not given per sponsoring groups. However, the ACC contribution was the major part of the initial sponsorship.

9. The following questions refer to the chart I used during the hearing (attached). For each chemical listed on this chart, please provide a complete description of:

   a. The year(s) in which you, TERA or other TERA employees were funded to work on the chemical.

The chart below ~~has a number of errors.~~ compares safe levels developed at different times and ignores the differences in science. The chart also omits the many examples where our safe levels were lower than for what the sponsor was likely hoping.

The chart also has a few mistakes. For example, not all of this work was for industry (e.g., PFOA was for West Virginia). Some of this work resulted in lower safe doses for industry (e.g., 1-bromopropare, perchlorate, and acrylamide). Importantly, several of the values were determined by groups of scientists that included government scientists (e.g., 1,4-dioxane, TCE, alachlor degradates, acetochlor degradates).

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Commented [BC2]: Again, do we need to revisit this response?

Please also see attachment 1.

   b. The name of the entity or entities that provided such funding, and the funding amount. If the activity was a collaboration, please list all collaborators as well as the amount of funding each collaborator contributed to the effort.

Please see attachment 1, but note that specific funding levels are not shown because summaries of this information were not developed. However, if funding is over 2% in any one year for any sponsor past 2010, this can be found through links to specific years at [HYPERLINK "http://www.tera.org/about/FundingSources.html" \h]

c. The type of activity (risk assessment, peer review, research paper, presentation, litigation support, etc) that was funded and the deliverables provided to the sponsor.

Please see attachment 1.

Science for Sale

Chemical & Known Harms	Safe Level	Source of "Safe" Level
1,4-Dioxane *(Likely carcinogen)*	0.35 ppb	**1000x higher**
1-Bromopropane *(Neurotoxin)*	0.3 – 10 ppm	**2 – 67x higher**
PFOA *(Thyroid disruption)*	.07 ppb	**2,143x higher**
TCE *(Carcinogen)*	2 µg/m^3	**1.5 – 15x higher**
Perchlorate *(Thyroid disruption)*	0.7 µg/kg/day	**8.6x higher**
Chlorpyrifos *(Neurotoxin)*	.0017 – 0.3 µg/kg/day	**33–5,882x higher**
Alachlor degradates *(Liver, kidney damage)*	20 – 70 ppb	**80 – 280x higher**
Acetochlor degradates *(Thyroid, reproductive disruption)*	100 – 300 ppb	**4.7 –14x higher**
Diacetyl *(Severe lung damage)*	5 – 10 ppb	**20 – 40x higher**
Acrylamide *(Neurotoxin, likely carcinogen)*	.002 mg/kg/day	**10 – 25x higher**

10. Do you believe that there is a safe level of exposure to perchlorate for i) a pregnant woman, and ii) a toddler, with serious iodine deficiencies, and if so, what is it? Do you believe that there is a safe level of exposure to perchlorate for i) a pregnant woman, and ii) a toddler, who gets insufficient iodine according to World Health Organization guidelines, and if so, what is it?

~~If confirmed, I will evaluate chemicals under the statutory authorities granted by Congress to safeguard the public.~~ I have not yet had the opportunity for additional briefings related to perchlorate. However, as stated previously, if confirmed, I remain committed to faithfully implement TSCA as Congress intended. This includes the evaluation of chemical substances to determine whether or not they present unreasonable risks, and, if identified, taking regulatory action to eliminate those risks.

11. On September 21, 2017, the Consumer Product Safety Commission (CPSC) approved a petition[3] that called for CPSC to write regulations requiring the removal of organohalogen flame retardants from four types of consumer products.

    a. An argument against the petition is that EPA is currently reviewing flame retardants under TSCA. Do you agree that EPA is currently undertaking a risk

[3] [HYPERLINK "http://earthjustice.org/sites/default/files/files/FHSA-Petition%20_revised_6-30-15.pdf"]

evaluation on only the Cyclic Aliphatic Bromide Cluster flame retardants (i.e. only one class) and that EPA is required by law to complete this risk evaluation and finishing a regulation (if needed) by November 29, 2021?

~~I am aware that EPA is evaluating some flame retardants. I am unclear of the timeline.~~ While I have not had an opportunity to be briefed on HBCD, I understand that EPA currently has 10 ongoing risk evaluations, including a risk evaluation for hexabromocyclodecanes (HBCD cluster) in the cyclic aliphatic bromide cluster. As required in TSCA, EPA must complete this risk evaluation within 3 to 3.5 years of its start (i.e., by approximately December 2019 or, if extended, June 2020). If EPA identifies unreasonable risk associated with HBCD, the Agency must then take action to eliminate the unreasonable risk. OCSPP is not evaluating other flame retardants under TSCA at this time.

Commented [HM3]: I have added this phrase as an attempt to address Charlotte's comment

Commented [BC4]: Since MD has not been briefed on this compound, I think the response should indicate that.

b. According to EPA's website,[4] "the hexabromocyclodecanes (HBCD cluster) in the cyclic aliphatic bromide cluster consists of the following chemicals: Hexabromocyclododecane; 1,2,5,6,9,10-Hexabromocyclododecane; and 1,2,5,6-Tetrabromocyclooctane. Two of these chemicals are used as flame retardants, no uses for 1,2,5,6-tetrabromocyclooctane have been identified. The primary use of the two chemicals is in expanded polystyrene foam (EPS) and extruded polystyrene foam (XPS) in the building and construction industry for thermal insulation boards and laminates for sheathing products. They are also used in plastics (additive) and textiles (back-coating). In the United States, the HBCD cluster was historically used as a flame retardant in the back coating of textiles; however, research and information gathering indicates that the HBCD cluster is no longer used in consumer textile applications outside of the automotive industry." Do you agree that this type of flame retardant is generally not used in consumer products such as children's products, furniture, mattresses and the casings surrounding electronics? If not, why not?

~~Beyond the details on the EPA webpage, I am not familiar with the different types of products that different flame retardants are used with. If confirmed, I can look into this.~~ I have not had opportunity for further briefings on the HBCD risk evaluation or the specific uses associated with that chemical. **~~However, I understand that there may be minor uses of HBCD in children's clothing, car seats, blankets, toys and toy vehicles. EPA has published a scope document associated with this risk evaluation that more fully describes the hazards, exposures and conditions of use being considered. The link to the scope document on EPA's website is here: [HYPERLINK "https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/cyclic-aliphatic-bromides-cluster-hbcd-cluster-scope"]~~**. ~~If confirmed, I would expect to be fully briefed on this and the other 9 ongoing chemical risk evaluations.~~

[4] [HYPERLINK "https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaulation-cyclic-aliphatic-bromide-cluster-hbcd"]

12. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by *any* Member of the Environment and Public Works Committee? If not, why not?

Yes

13. Before the end of the last Administration, EPA proposed to ban some uses of three dangerous chemicals using its new Toxic Substances Control Act authority. TCE is a probable carcinogen that is found in drinking water all across the country. Accidental exposures to MC, which is used in paint and furniture strippers, has killed at least 56 people since 1980. And a second chemical used in paint strippers, NMP, is dangerous for pregnant women to be exposed to. Some have suggested that these bans should not be finalized, saying instead that EPA should study the uses of these chemicals for three more years before proposing a rule. Do you disagree that more exposures, more illnesses and maybe even more deaths would probably occur as a result of a three year delay in these proposed bans? If so, on what basis? If EPA has already determined that some uses of these chemicals are dangerous, how could one justify the extra time, taxpayer dollars and risk to human health that would occur by studying these same uses for three additional years instead of acting to finalize the bans now?

~~I am not sufficiently familiar with EPA's proposed bans to respond to these questions. If confirmed, I will seek a briefing on the status of these proposed bans and I commit to evaluating all the scientific evidence to inform EPA's decision.~~ I have not had opportunity for in-depth briefings on these proposed actions under Section 6 of TSCA. However, I understand that EPA has received public comments on the proposed actions and is currently evaluating those comments to determine next steps. If confirmed, I would expect to be fully briefed on these actions, and EPA's options for moving forward.

14. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily.[5] If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

If confirmed, I will make my calendar available on a timely basis.

Commented [HM5]: USE THE SAME ANSWER THAT WILL BE USED IN THE COVER LETTER

15. Section 26 of the newly enacted TSCA states that:

"(4) CHEMICAL SUBSTANCES WITH COMPLETED RISK ASSESSMENTS.—With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which the Administrator has published a completed risk assessment prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator may publish proposed and final rules under section 6(a) that are consistent with the scope of the completed

[5] [HYPERLINK "https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView"]

risk assessment for the chemical substance and consistent with other applicable requirements of section 6."

Page 1 of Attachment 1 is an email sent by EPA on March 17, 2016, the substance of which was shared with the bipartisan and bicameral negotiators of the Toxic Substances Control Act. It states that EPA "just discovered a technical issue that will have significant policy implications for EPA's ongoing work under Section 6. As currently drafted, both Senate and House bills could frustrate EPA's ability to timely manage risks that have been (or may be) identified in our current Work Plan risk assessments." The email goes on to describe several risk assessments on chemical substances (TCE, NMP, MC and 1-BP) that had been completed or were near completion by EPA, and stated that "EPA is *not* looking at all the conditions of use for these chemicals. This approach, which might be characterized as a *partial* risk evaluation or *partial* safety determination, we see as simply not contemplated under the Senate and House bills. The section 6 structure in both bills would require EPA to assess a chemical in its entirety, based on all conditions of use – not just a subset of those uses." EPA then went on to state that if it were to move forward with rulemakings to restrict or ban some or all of these substances (which it has subsequently proposed to do), there would be some risk that the rules would be found to be inconsistent with the new statutory requirement to assess all conditions of use. EPA said that it would "welcome an opportunity to work with you on a drafting solution to this issue."

a. Do you agree with EPA's March 17, 2016 view that if it had moved forward with these partial risk evaluations and rulemakings absent explicit statutory authority to do so even though the risk evaluations had not considered all conditions of use, that EPA could have been sued for not complying with the law's requirements? If not, please provide specific reasons why not.

   I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

b. Pages 2 and 3 of Attachment 1 consist of April 2, 2016 Technical Assistance from EPA that was provided to the Senate on a drafting solution to address the problem identified by EPA on March 17, 2016. Do you agree that this language, which is also drafted as an amendment to Section 26, bears a close resemblance to the language that was enacted into law, and, like the enacted text, provides EPA with statutory authority to complete rulemakings on the chemical substances on which it completed risk assessments prior to the enactment of the new law even though the risk assessments were not undertaken for all conditions of use? If not, please provide specific reasons why not.

   I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

Commented [HM6]: Per OPPT.
This series of questions refers to technical assistance and legal interpretations offered by EPA on draft bill language in the time period leading up to passage of TSCA. Subsequent to passage, and upon further consideration during the development of the TSCA framework rules, EPA's interpretations changed.

OPPT is not recommending text, given that Michael has not had the opportunity to be briefed specifically on past and/or current interpretations of TSCA language.

16. The newly enacted TSCA, for new chemicals, states that:

"(e) REGULATION PENDING DEVELOPMENT OF INFORMATION.—(1)(A) If the Administrator determines that—

(i) the information available to the Administrator is insufficient to permit a reasoned evaluation of the health and environmental effects of a chemical substance with respect to which notice is required by subsection (a); or

(ii)(I) in the absence of sufficient information to permit the Administrator to make such an evaluation, the manufacture, processing, distribution in commerce, use, or disposal of such substance, or any combination of such activities, may present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use; or (II) such substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance, the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, including while any required information is being developed, only in compliance with the order."

Attachment 2 consists of a portion of EPA's Technical Assistance on an April 7, 2016 draft of Section 5 of TSCA that EPA provided to the Senate. Comment A7 provides EPA's views on section 5(e). This comment noted a change from previous drafts, observing that the draft allowed manufacture of a new chemical to proceed even if EPA did not have enough information to determine whether it posed an unreasonable risk. This is because the draft as written allowed for manufacture to proceed if EPA *either* took steps to obtain sufficient information about the chemical substance (but before it received and evaluated that information) OR if it imposed a risk management order. EPA also suggested some edits to this draft to restore the "functionality of the prior draft," which ensured that manufacture could not proceed unless/until the information about the chemical substance was sufficient and EPA made the necessary risk determination, or in compliance with an EPA-issued order to protect against unreasonable risk under the conditions of use while the information was being developed. Do you agree that the statute requires EPA to issue an order to protect against an unreasonable risk a new chemical substance may pose under the conditions of use, either while information EPA needs to assess the chemical substance is developed, or if EPA determines that the substance may present an unreasonable risk under the conditions of use, or if such substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance? If not, please provide specific reasons why not,

using statutory text to explain your reasoning.

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

17. Section 5(f)(4) of TSCA states that:

> "(4) TREATMENT OF NONCONFORMING USES.—Not later than 90 days after taking an action under paragraph (2) or (3) or issuing an order under subsection (e) relating to a chemical substance with respect to which the Administrator has made a determination under subsection (a)(3)(A) or (B), the Administrator shall consider whether to promulgate a rule pursuant to subsection (a)(2) that identifies as a significant new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance that does not conform to the restrictions imposed by the action or order, and, as applicable, initiate such a rulemaking or publish a statement describing the reasons of the Administrator for not initiating such a rulemaking."

Attachment 3 is an April 9, 2016 email from EPA providing responses to questions on the April 7 draft included in Attachment 2. The email asks whether the removal of provisions 5(e)(4) and 5(f)(1)(C) in that draft would also remove EPA's requirement to consider whether to issue a Significant New Use Rule (SNUR) when it issued orders to a submitter of a pre-manufacturing notice (PMN) (and explain its decision if it chose not to do so). EPA responded in the affirmative. Do you agree that the enacted law retained the April 7 draft's requirement to consider whether to issue a Significant New Use Rule (SNUR) when EPA has issued an order to a submitter of a pre-manufacturing notice (PMN) (and explain its decision if it chooses not to do so)? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

18. The newly enacted TSCA requires EPA, for existing chemicals that are designated a high-priority chemical substance or otherwise designated for a risk evaluation, to:

> "conduct risk evaluations pursuant to this paragraph to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use."

In the statute, 'conditions of use' is defined as:

"the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of."

Attachment 4 is a December 12, 2016 (post-enactment) email conveying Technical Assistance from EPA that responded to several questions posed about how EPA was required to do risk evaluations for a chemical substance under the conditions of use. Do you agree with EPA's responses to these questions as well as the narrative that precedes the specific responses to questions? If not, please provide specific reasons why not, indicating in your response how your views are consistent with the statutory text excerpted above (or, as applicable, how EPA's responses are inconsistent with the statutory text excepted above).

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

19. Attachment 5 is a document that includes EPA's technical assistance and observations that compared an April 12 2016 Senate draft of section 5 to an April 18, 2016 House draft.

    a. On pages 2 and 15, EPA provides comments related to the 90-day period for review of a PMN. Do you agree that the enacted law includes text that reflects EPA's input in these comments? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

    I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

    b. On Page 14, EPA notes the deletion of the requirement not to consider costs or other non-risk factors when considering section 5(h) exemption requests. Do you agree that the enacted law retained this deletion in this subsection, but included the requirement in sections 5(a), 5(e) and 5(f)? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

    I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

20. Attachment 6 consists of EPA's comments to a draft of Senate section 5 dated around April 12, 2016.

    a. EPA's comment A22 notes the absence of the requirement not to consider costs or other non-risk factors when considering section 5(h) exemption requests. Do you agree that the enacted law does not include the requirement in this subsection, but does include the requirement in subsections 5(a), 5(e) and 5(f)? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

b. Do you agree that while this same EPA comment identifies one inconsistency between the above-described text that is absent from subsection 5(h) but appears throughout the rest of section 5, it does not identify another difference, namely the presence of the term "specific uses identified in the application" in subsection 5(h) versus the term "conditions of use" that appears throughout the rest of section 5? If not, why not?

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

21. Attachment 7 consists of EPA's comments to an April 3, 2016 Senate draft of section 5.

a. On page 1, EPA observes that "5(e) requires no action on the part of the Administrator whatsoever: it is wholly discretionary authority to impose requirements on the manufacture pending development of information." Do you agree that the enacted law requires EPA to either prohibit manufacture or issue an order to mitigate against potential risk while information is being developed by a manufacturer? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

b. On page 2, EPA responds to a question posed by Senate staff, stating "We think it is important not to limit review to the uses identified in the notice. If the identified uses seem fine, and EPA therefore does nothing, the submitter is free to submit an NOC and then manufacture in any way he or she wants. EPA often uses 5(e) orders to address uses beyond those specified in notices." Do you agree that the enacted statute requires EPA to review the conditions of use (as that term is defined in the statute) of a chemical substance when it reviews a PMN as EPA advised the Senate in this comment? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

c. On page 9, EPA says that "It seems like the best solution, per above comment, may be to drop the limitation above that the order pertain only to the conditions of use specified in the notice." Do you agree that the enacted statute incorporated EPA's

proposed 'best solution' and did not limit orders only to the conditions of use specified in the notice? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

d. A second EPA comment on page 9 states that "A possible solution would be, in line with the Senate bill and offer, to drop (e) and require EPA to issue an order under what is now (f) any time EPA either makes a may present finding or lacks sufficient info, as necessary to make the unlikely to present finding." Do you agree that the enacted text retains section 5(e) and also requires EPA to issue an order any time EPA either makes a may present finding or lacks sufficient information before manufacturing can commence? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

I am not sufficiently informed to respond to these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

e. On page 16, EPA responds to a question from Senate staff about whether, in the 5(h) exemptions section, it makes sense to deviate from the rest of the section's references to 'conditions of use' and instead limit EPA's exemption determination to the uses of the chemical substance identified in the exemption request. EPA responds by stating "We agree that the reference to specific uses makes sense, but not because of anything having to do with a SNUR. It seems to us that, if a party is seeking a partial section 5 exemptions, we would consider only the uses for which they are seeking the exemption, since the exemption would limit them to those." Do you agree that the enacted statute follows EPA's advice to retain the authority for EPA to consider just the uses of a chemical substance included in an exemption request, but does not make the same limiting change anywhere else so as not to so limit its review of all conditions of use of a chemical substance subject to a PMN? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

I am not sufficiently informed to further address these questions. **If confirmed I will commit to a thorough review of the final statute and would be happy to meet with the committee to further discuss any outstanding concerns.**

22. In our private meeting, you described your work on perchlorate as an example where the safety standard you suggested at the time (2004) was based on older science, and said that at that time, you actually recommended a level that was more protective than the one industry was recommending.

Yes, TERA's self-published recommendation in 2004 was 500-fold lower than the original safe dose proposed by industry.

Isn't it true that in 2012, seven years after EPA recommended its drinking water reference dose for perchlorate, you wrote a paper[6] that suggested the removal of the three-fold safety factor designed to protect pregnant women, which, if adopted, means the reference dose would be 8.6 times less protective than EPA's?

I am not certain of the paper to which you refer. However, in 2004, I coauthored a paper that judged a Reference Dose (RfD) to be 0.002 mg/kg-day based on infants. EPA later came out with a RfD of 0.0007 mg/kg-day based on adults. The TERA and EPA RfDs are less than 3-fold apart. A comparison of the underlying information for these values can be found at [HYPERLINK "https://toxnet.nlm.nih.gov/newtoxnet/iter.htm" \h]

Senator Whitehouse

1. Pursuant to the overhauled TSCA, EPA recently published its first inventory of mercury supply, use, and trade in the U.S., which have very little information because it did not benefit from the new reporting requirements. TSCA requires that EPA promulgate a mercury and mercury compound reporting rule by June 22, 2018 to assist in preparation of the inventory, the next one of which is required to be published by April 1, 2020.
   a. Do you commit to completing the mercury and mercury compounds reporting rule by the June 22, 2018 deadline?

~~I do not know the status of this rulemaking within the Agency. However, if confirmed I will work to make sure that the TSCA deadline for this rule can be met.~~ I am fully committed to implementing TSCA as Congress intended, including meeting the deadlines set forth in the new law. My understanding is that OCSPP has recently issued the proposed reporting rule for mercury and mercury compounds, and will continue to work towards finalizing the rule by the June 22, 2018 deadline. ~~**See link to proposed rule here:** [~~ HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPPT-2017-0421-0001"]

   b. Do you commit to identifying any manufacturing processes or products that intentionally add mercury or mercury compounds and recommend actions to achieve further reductions in such mercury use in the next inventory and publish that inventory by the April 1, 2020 deadline?

~~As noted above, I do not know the status of these activities within the Agency. If confirmed, I will work to understand their status and to ensure that EPA is meeting the deadlines required by the Lautenberg amendments to TSCA.~~ Again, I am fully committed to implementing TSCA as Congress intended, including meeting the deadlines set forth in the new law. I understand that OCSPP successfully published the initial mercury inventory within the statutory deadline. Information received from the reporting rule mentioned earlier will inform the next inventory update.

[6] [HYPERLINK "https://yosemite.epa.gov/sab/sabproduct.nsf/F18F2B7E826BC94085257AD00053024F/$File/TERA+Perchlorate+White+Paper+12-4-12.pdf"]

2. Mercury was on the 2012 Workplan Chemical List, but was removed from the list in 2014 because EPA already knew how highly toxic mercury is, and the Agency indicated it would be undertaking activities to implement the Minamata Convention on Mercury anyway. Significantly, this action was taken well before the revised TSCA was enacted. Under the revised law, to facilitate meeting its Convention obligations to reduce mercury use in the production of switches and switches, the phase down of mercury use in polyurethane production, and to regulate mercury use in new products and processes, it may be necessary for EPA to identify mercury among the next round of chemicals prioritized for action under TSCA. Will you include mercury among the next round of chemicals prioritized for action under TSCA as needed to further reduce mercury use in products and processes, and meet our obligations under the Minamata Convention?

~~I am not familiar with why mercury was removed from the 2014 workplan list. If confirmed, I will look into this and seek to ensure that EPA is taking necessary steps to further reduce mercury use in products and processes.~~ I have not yet had the opportunity for an in-depth briefing on mercury use in products and processes or our obligations under the Minimata Convention. I understand, however, that OCSPP will soon host a public meeting (December 11, 2017) to seek public input on possible approaches for identifying potential candidates for prioritization. All existing chemicals on the TSCA inventory, including mercury, are subject to prioritization for risk evaluation.

3. How should the EPA consider the synergistic effects of chemicals when considering approval of these chemicals under FIFRA?

~~I am not familiar with how synergistic effects are evaluated currently in the pesticides program. If confirmed, I will seek to understand this to ensure that EPA's approach is appropriate.~~ The agency is currently considering a petition submitted by the Center for Biological Diversity seeking that EPA establish a regulation requiring all applicants and registrants to provide data on the potential synergistic effects of pesticides during the registration and registration review processes (for more information, see: https://www.epa.gov/aboutepa/petition-rulemaking-evaluate-synergestic-effects-pesticides-during-registration-and. I ~~was~~ recently **attended a** briefing **ed** by staff from the Office of Pesticide Programs **for OCSPP's Acting Principal Deputy Assistant Administrator and Deputy Assistant Administrator** on how the program has been evaluating potential synergistic effects of pesticides in the context of registration decisions. The agency recently discussed this approach at a recent meeting of the Pesticide Program Dialogue Committee (see: [**HYPERLINK "https://www.epa.gov/sites/production/files/2017-11/documents/session-4-pesticide-synergy.pdf"]**). Before responding to the petition, the agency intends to seek broad public input on the scientific approach it has developed for considering pesticide synergy claims.

4. In 2009, as mandated by the Supreme Court and backed by a robust scientific and technical review, the Environmental Protection Agency produced the Endangerment and Cause or Contribute Findings for Greenhouse Gases (GHGs) under Section 202(a) of the Clean Air Act. It found six greenhouse gases - carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride - "taken in combination endanger both the public health and the public welfare of current and future generations." Do you agree with the EPA's endangerment finding? Why or why not?

I am not familiar with the details of EPA's endangerment finding, though it is my understanding

that such finding falls under the purview of the EPA's Office of Air and Radiation and not the Office of Chemical Safety and Pollution Prevention, and would need to do more research on the topic before answering this question.

Senator Markey

5. One of the most significant changes made to TSCA under the LCSA was the streamlined authority for EPA to require testing of chemicals by order. However, to our knowledge that authority has not yet been used in the 15 months since the law took effect.

   Given the importance of testing to fill data gaps, which is critical to both prioritization and risk evaluation -- and fundamental to a "risk-based" system, please tell us your plans for using the section 4 testing authority and approach for filling data gaps for both prioritization and risk evaluation."

   If confirmed, I will seek to better understand the Section 4 testing authority under TSCA. With this knowledge, I will work to ensure that it is appropriately used to help fill gaps for prioritization and risk evaluation. I have not yet had an opportunity to learn about OCSPP's plans for utilizing the new authorities for requiring the development of chemical information under section 4 of TSCA. However, I agree that it is critically important for EPA to identify information needs early in the chemical review process and to use its authorities to ensure that the Agency has the information necessary to support a scientifically robust risk evaluation.

6. The new law requires EPA to restrict new chemicals where the available data are insufficient to address their risks. How will you evaluate the adequacy of data in PMNs? What will you do to assure that new chemicals are adequately tested?

   I will use a weight of the evidence approach that considers all scientific evidence and information to evaluate PMNs. OCSPP's New Chemicals program is critical to ensuring the safety of new chemicals before they enter the market while also supporting chemical innovation. If confirmed, I will commit to working with OCSPP staff to make sure that chemicals that lack sufficient information to make a reasoned evaluation are handled in a manner consistent with the requirements in TSCA. This could include, for example, requiring the submitter to develop or provide additional information, or otherwise ensuring that potential risks are sufficiently controlled before the chemical enters commerce. OCSPP will soon host a public meeting (December 6, 2017) to discuss the review process, challenges and potential for additional improvement.

7. The industry has pressured EPA to accelerate the completion of the review period for PMNs in order to reduce the PMN backlog. What steps will you take to assure that EPA does not sacrifice the rigor and thoroughness of the review process in return for speed?

   If confirmed, I will work closely with staff to completely understand the PMN review process to ensure its rigor and thoroughness. I have not yet had the

~~opportunity for an in-depth briefing on the new chemicals review process.~~ **However, if**If confirmed, I can commit to working closely with staff to ensure the process is both rigor and thorough. OCSPP will soon host a public meeting (December 6, 2017) to discuss the review process, challenges and potential for additional improvement.

8. EPA staff has pointed to several ways industry can improve the efficiency of the review process by filing more robust PMNs that anticipate and respond to the likely concerns of EPA reviewers. What will you do to motivate industry to file more complete and accurate PMNs?

~~If confirmed, I will work closely with staff to completely understand the PMN process. It seems to me that if industry had a better understanding of the EPA evaluation approach, it should incentivize them to provide more complete and accurate PMN submissions.~~ The objective of improved PMN submissions is an important one. As mentioned, OCSPP will soon host a public meeting (December 6, 2017) to discuss the review process, challenges and potential for additional improvement. This will include a discussion of some "points to consider" - a document that is intended to help companies improve their new chemical submissions.

Commented [BC7]: We need to add a sentence about what MD will do something like … "If confirmed I will work with OCSPP and industry to encourage complete and accurate filings of PMNs."

Senator Duckworth

9. The Environmental Protection Agency (EPA) has said that exposure to cancer-causing chemicals in childhood can be as much as ten times as likely to lead to cancer than the same exposure to the same chemical in an adult. EPA has specific policies in place to account for these differences when it sets safety standards for chemicals.

   You have questioned these polices claiming in your papers that, "by about 6 months of age, children are usually not more sensitive to chemical toxicity than adults" and "we are not aware of reported cases of differential harm to infants or children from low levels of regulated chemicals, like pesticides or food additives." This research was funded by the American Chemistry Council and Croplife America.

   If you are confirmed, do you commit to apply, and not to weaken, EPA's current policies that account for the greater sensitivity and risk children may have from chemical exposures?

   If confirmed, I will apply EPA policies and guidance as they are appropriate and consistent with today's best available scientific evidence. This includes using the child protection factor for mutagenic carcinogens when the database does not include studies for this age group as in the first paragraph of your statement, and also using EPA safety factors to protect children, which was the main point of my two paper to which you refer in the 2nd paragraph of your statement.

Commented [BC8]: ?

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Senator Cardin

10. Before the end of the last Administration, EPA proposed to ban some uses of three dangerous chemicals using its new Toxic Substances Control Act authority. Trichloroethylene is a probable carcinogen that has been found in unsafe levels in household wells on Maryland's Eastern Shore. Accidental exposures to methylene chloride used in paint and furniture strippers has killed at least 56 people since 1980, including at least two Maryland residents. Exposure to a second chemical used in paint strippers, N-Methylpyrrolidone, is dangerous for pregnant women. If you are confirmed, do you commit to quickly finalize these rules and prohibit the uses of these chemicals?

~~If confirmed I commit to quickly getting briefed on the status of these rules so that I can better understand them and the prohibitions proposed.~~ **~~I have not had opportunity for further briefings on these proposed actions under Section 6 of TSCA. However, I understand that~~** EPA has received public comments on the proposed actions and is currently evaluating those comments to determine next steps. If confirmed, I would expect to be fully briefed on these actions, and EPA's options for moving forward.